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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/097,383	06/16/1998	KARE CHRISTIANSEN	PM254781	2876

909 7590 10/17/2002

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EXAMINER

SHAY, DAVID M

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on July 1, 2002

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3, 7-15, 19-25, 27, & 28 is/are pending in the application.

☐ Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 7-15, 19-25, 27 & 28 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no antecedent basis in the specification as originally filed for the light being "passively filtered".

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites no structure.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7-9, 27, and 28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gustafsson.

See figure 3 and column 3 lines 7-26, as explained at the interview of May 29,

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7. Claims 19, 22 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harte et al.

8. Claims 1 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harte et al in combination with Allemann et al. Harte et al teach an arc lamp as claimed (see figure 1; column 1, line 64 – column 2, line 46; column 3, line 6-22; and column 4, lines 5-22). Allemann et al teach a flash lamp with a water filter. It would have been obvious to the artisan of ordinary skill to employ the water filter of Allemann et al in the device of Harte et al, since this is an appropriate filter for depilation as it will pass the green and ultraviolet light desired by Harte et al and to configure the power supply so as to cause the lamp to emit e.g. square pulses, since this is known in the art and provides no unexpected result., thus producing a device such as claimed.

9. Claims 1-3, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harte et al in combination with Allimann et al as applied to claims 1 and 13-15 above, and further in view of Gustafsson. Gustaffsson teaches using circulating water to cool flash tubes and an optical fiber applicator with a convex tip. It would have been obvious to the artisan of ordinary skill to employ the lamp of Gustafsson in the device of Harte et al, since Harte et al give no particular lamp design and since the lamp of Gustafsson has a wide range of operating characteristics associated with it (see column 2, line 3-30), thus producing a device such as claimed.

10. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harte et al in combination with Allemann et al and Gustafsson as applied to claims 2, 3, 20, and 21 above, and further in view of Anderson et al. Anderson et al teach the use of

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square wave pulses and a convex applicator tip. It would have been obvious to the artisan of ordinary skill to employ an applicator tip as taught by Anderson et al since this allows treatment of a larger area, as taught by Anderson et al; to employ the square wave light pulses therein, since this allows a more uniform optical field; and to provide a concave or parallelepiped shape at the light guide distal end, since these are equivalent to the convex tip and provide no unexpected result, thus producing a device such as claimed.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harte et al in combination with Allemann et al as applied to claim 1 above, and further in view of Vassiliadis et al. Vassiliadis et al teach the desirability of employing an interlock on a filter. It would have been obvious to the artisan of ordinary skill to employ an interlock on the filter in the device of Harte et al since this would provide a safer device, thus producing a device such as claimed.

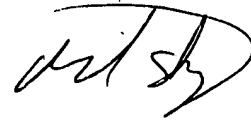
12. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harte et al in combination with Allemann et al, Gustafsson and Anderson et al as applied to claims 10-15 above, and further in view of Mass. Mass teaches a simmer power supply including a capacitor and resistor arrangement as claimed. It would have been obvious to artisan of ordinary skill to provide a simmer circuit as taught by Mass, since this enables flash lamps to be operated such that pulses with the desired ratio can be produced and to employ a discharge switch, since these are notorious for triggering flash lamps, thus producing a device such as claimed.

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13. Applicant's arguments with respect to claims 1-3, 7-15, 18-25, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to David Shay at telephone number (703) 308-2215.

David Shay:bhw
October 5, 2002

A handwritten signature in black ink, appearing to read 'D. M. Shay', enclosed within a large, stylized, handwritten letter 'D'.

DAVID M. SHAY
PRIMARY EXAMINER
GROUP 330